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RULES OF PRACTICE
of the
UNITED STATES PATENT OFFICE.

In force in 1845-6.

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INFORMATION

To persons having business to transact at the Patent Office.

Sec.1. The existing laws relating to patents are those approved July 4, 1836, March 3, 1837, and March 3, 1839, all former acts having been repealed by the act of 1836.

Sec.2. "Patents are granted for any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery or invention thereof, and not, at the time of his application for a patent, in public use, or on sale, with his or their consent, or allowance, as the inventor or discoverer."—Act of 1836, section 6. "No patent shall be held to be invalid by reason of the purchase, sale, or use, (of the invention,) prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that such purchase, sale, or public use, has been for more than two years prior to such application for a patent."—Act of March 3, 1839.

Sec.3. The term for which a patent is granted is fourteen years; but it may, under certain circumstances, be renewed for seven years, as hereinafter mentioned.

Sec.4. Patents are granted to citizens of the United States, to aliens who shall have been resident in the United States one year next preceding, and shall have made oath of their intention to become citizens thereof, and also to foreigners who are inventors or discoverers.

Sec.5. A patent may be taken out by the inventor in a foreign country, without affecting his right to a patent in the United States, provided the invention has not been introduced into public and common use in the United States prior to the application for such patent. In every such case the patent is limited to fourteen years from the date of the foreign letters patent. A patent is not granted upon introduction of a new invention from a foreign country, unless the person who introduced it be the inventor or discoverer. If an alien neglects to put and continue on sale the invention in the United States, to the public, on reasonable terms, for eighteen months, the patentee loses all benefit of the patent.

Sec.6. Joint inventors are entitled to a joint patent, but neither can claim one separately.

Sec.7. An inventor can assign his right before a patent is obtained, so as to enable the assignee to take out a patent in his own name; but the assignment must be first entered of record; and the application therefor must be duly made, and the specification signed, and sworn to by the inventor. And in the case of an assignment by a foreigner, the same fee will be required as if the patent issued to the inventor.

Sec.8. The assignment of a patent may be to the whole or to an undivided part, "by any instrument in writing." All assignments, and also the grant or conveyance of the use of the patent in any town, county, State, or specified district, must be recorded in the Patent Office within three months from date of the same. But assignments, if recorded after three months have expired, will be on

record as notice to protect against subsequent purchases. No fee is now charged for recording assignments. Patents, grants, and assignments, recorded prior to the 15th of December, 1836, must be recorded anew before they can be valid as evidence of any title. This is also done free of expense.

Sec.9. In case of the decease of an inventor, before he has obtained a patent for his invention, "the right of applying for and obtaining such patent shall devolve on the administrator or executor of such person, in trust for the heirs at law of the deceased, if he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations, and restrictions, as the same was held, or might have been claimed or enjoyed, by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation shall be so varied as to be applicable to them."—Act of 1836, sec. 10.

Sec.10. The Patent Office will be open for examination during office hours, and applicants can personally, or by attorney, satisfy themselves, on inspection of models and specifications, of the expediency of filing an application for a patent.

Sec.11. All fees received are paid into the Treasury, and the law has required the payment of the patent fee before the application is considered; two-thirds of which fee is refunded on withdrawing the application. But no money is refunded on the withdrawal of an application, after an appeal has been taken from the decision of the Commissioner of Patents. And no part of the fee paid for caveats, and on applications for the addition

of improvements, re-issues, and appeals, can be withdrawn.

Sec.12. It is a frequent practice for inventors to send a description of their inventions to the office, and inquire whether there exists anything like it, and whether a patent can be had therefor. As the law does not provide for the examination of descriptions of new inventions, except upon applications for a patent, no answers can be given to such inquiries.

ON THE APPLICATION FOR A PATENT..

Sec.13. No application can be examined until the fee for the patent is paid, and the specification, model, and drawings filed.

Sec.14. The application for a patent must be made by petition to the Commissioner of Patents, signifying the desire of obtaining an exclusive property in the invention or discovery, and praying that a patent may be granted therefor, as in the form annexed thereto; which petition should be signed by the inventor.

DESCRIPTION OF SPECIFICATION.

Sec.15. Before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most clearly connected, to make, construct, compound, and

use the same; and in case of any machine he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination, which he claims as his own invention or discovery.—Act of 1836, sec. 6. (See form annexed.)

Sec. 16. It is important, in all cases, to have the specification describe the sections of the drawings, and refer by letters to the parts; duplicate drawings being required.

Sec. 17. A defective specification or drawing may be amended at any time before a patent has issued; in which case the applicant will be required to make oath anew.

ON NEW IMPROVEMENTS.

Sec. 18. "Whenever the original patentee shall be desirous of adding the description and specification of any new improvement of the original invention or discovery, which shall have been invented or discovered by him subsequent to the date of his patent, he may, like proceedings being had in all respects as in the case of original applications, and on the payment of fifteen dollars, as herein-after mentioned, have the same annexed to the original description and specification; and the Commissioner shall certify on the margin of such annexed description and specification, the time of its being annexed and recorded; and the same shall thereafter have the same effect in law, to all intents and purposes, as though it had been embraced in the original description and specification."—Act of 1836,

sec.13.

Sec.19. In all such cases, the claim in the original patent is subject to a re-examination; and if it shall appear that any part of the claim was not original at the time of granting the patent, a disclaimer of said part must be filed in the Patent Office, or the specification of claims restricted, by having the patent re-issued before the improvement can be added. And if there is not anything which can be claimed, the improvement cannot be added, but may be secured by a separate patent, on the payment of the fee of thirty dollars. If the patent was granted before the 15th of December, 1836, a model and drawings of the invention as first patented, verified by oath, must be furnished, unless dispensed with by the Commissioner.

Sec.20. No patent for an improvement can be granted to the original inventor, assignee, or possessor of a patent granted before the 15th of December, 1836, until a model and drawings of the invention, as originally patented, verified by oath, shall have been deposited, unless dispensed with by the Commissioner.

Sec.21. "Every inventor, before he can receive a patent, must make oath or affirmation that he does verily believe that he is the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, for which he solicits a patent; and that he does not know or believe that the same was ever before known or used; and also of what country he is a citizen."—Act of 1836, sec.6. (See form annexed.) In every case the oath or affidavit must be made before a person having general powers to administer

oaths. Justices of the Peace have not in all cases this general power.

Sec.22. If the applicant be an alien, and have resided one year in the United States next preceding the application, and have given legal notice of his intention to become a citizen of the United States, he must make oath to these facts before he can apply for a patent for the same fee as that paid by a citizen.

OF DRAWINGS AND SPECIMENS OF INGREDIENTS.

Sec.23. The law requires that "the applicant for a patent shall accompany his application with drawings and written references, when the nature of the case admits of drawings." These drawings should, in general, be in perspective, and neatly executed; and such parts as cannot be showed in perspective, must, if described, be represented in section, or detail. Duplicates of them are required, as one must accompany the patent when issued, as explanatory of it, and one must be kept on file in the office.

Sec.24. The drawings must be signed by the patentee, and attested by two witnesses, except when the specification describes the sections or figures, and refers to the parts by letters; in which case they are neither required to be signed nor accompanied by written references upon the drawings, the whole making one instrument. Drawings are absolutely necessary, when the case admits of them.

Sec.25. An examination, as to originality of invention, may be made on a single drawing; but duplicates will be required before the patent issues.

OF MODELS.

Sec.26. The law requires that the inventor shall deliver a model of his invention or improvement when the same admits of a model. The model should be neatly made, and as small as a distinct representation of the machine or improvement, and its characteristic properties, will admit; the name of the inventor should be printed or engraved upon, or affixed to it, in a durable manner. Models forwarded without a name, cannot be entered on record, and are therefore liable to be lost or mislaid.

Sec.27. When the invention is of "a composition of matter," the law requires that the application be accompanied with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment.

ON GRANTING ANEW LOST PATENTS.

Sec.28. The third section of the act of March 3, 1837, provides:

"Section 3. And be it further enacted, That whenever it shall appear to the Commissioner that any patent was destroyed by the burning of the Patent Office building on the aforesaid fifteenth day of December, or was otherwise lost prior thereto, it shall be his duty, on application therefor by the patentee, or other person interested therein, to issue a new patent for the same invention or discovery, bearing the date of the original patent, with his certificate thereon, that it was made and issued pursuant to the provisions of the third section of this act; and shall enter the same of record: Provided, however, That be-

fore such patent shall be issued, the applicant therefor shall deposit in the Patent Office a duplicate, as near as may be, of the original model, drawings, and description, with specification of the invention or discovery, verified by oath, as shall be required by the Commissioner; and such patent and copies of such drawings and descriptions, duly certified, shall be admissible as evidence in any judicial court of the United States, and shall protect the rights of the patentee, his administrators, heirs, and assigns, to the extent only in which they would have been protected by the original patent and specification."

PROCEEDINGS ON APPLICATION FOR PATENTS, AND ON APPEALS FROM DECISION OF THE COMMISSIONER.

(Act of 1836, sec. 7.)

Sec. 29. "That on the filing of any such application (consisting of petition, specification, model, and drawings, or specimens,) and the payment of the duty hereinafter provided, the Commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country prior to the alleged invention or discovery thereof by the applicant, or that it had been patented or described in any printed publication in this or any foreign country, or had been in public use or on sale, with the applicant's consent or allowance, prior to the application, if the Commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent therefor.

But whenever, on such examination, it shall appear to the Commissioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new had before been invented or discovered, or patented, or described in any printed publication in this or any foreign country as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him briefly such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. In every such case, if the applicant shall elect to withdraw his application, relinquishing his claim to the model, he shall be entitled to receive back twenty dollars, part of the duty required by this act, on filing a notice in writing of such election in the Patent Office; a copy of which, certified by the Commissioner, shall be a sufficient warrant to the Treasurer for paying back to the said applicant the said sum of twenty dollars. But if the applicant, in such case, shall persist in his claim for a patent, with or without any alteration of his specification, he shall be required to make oath or affirmation anew, in manner as aforesaid; and if the specification and claim shall not have been so modified as, in the opinion of the Commissioner, shall entitle the applicant to a patent, he may appeal to the Chief Justice of the United States Court for the District of Columbia, who may affirm or reverse the decision of the Commissioner of Patents, in whole or in part, and may order a patent to issue; or he may have remedy against the decision of the Commission-

er of Patents, or the decision of the Chief Justice of the United States Court for the District of Columbia, by filing a bill in equity in any of the United States Courts having jurisdiction, as hereinafter explained.

RE-ISSUE TO CORRECT A DEFECTIVE DESCRIPTION.

Sec. 30. When an applicant wishes to cancel an old patent, and to correct a mistake or error, which has arisen from inadvertence, he should state this fact in his application, and expressly surrender the old patent, which must be transmitted to the Patent Office before a new patent will be issued. And no improvement or alteration made subsequent to the filing of the application upon which the original patent was granted, can be introduced into a patent upon re-issue.— Section thirteen of the act of July, 1836, enacts, "That whenever any patent, which has heretofore been granted, or which shall hereafter be granted, shall be inoperative or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming, in his specification, as his own invention, more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Commissioner, upon the surrender to him of such patent, and the payment of the further duty of fifteen dollars, to cause a new patent to be issued to the said inventor for the same invention for the residue of the period then unexpired, for which the original patent was granted, in accordance with the patentee's corrected description and specification.

Sec.31. When the original patent has been lost, before a re-issue can be granted, the original patent should first be restored (as explained in section 28 of this circular,) and then surrendered.

Sec.32. In the re-issue, the claim is subject to an examination as in the case of original patents; and if it shall appear that any part of the claim was not original at the time of granting the patent, the re-issue will not be granted, unless said part be omitted in the claim, or a disclaimer filed in the Patent Office. And if there is not anything which can be claimed, the re-issue cannot be granted, and the surrendered patent cannot be returned. Where the patent was granted before the 15th of December, 1836, a model and drawings of the invention as originally patented, verified by oath, must be deposited in the Patent Office before a re-issue can be granted, unless dispensed with by the Commissioner.

Sec.33. And in case of the death of an inventor, or of any assignment of the original patent, made by him, a similar right vests in his executors, administrators, or assignees; and the patent so re-issued, together with the corrected description and specification, have the same effect and operation in law, on the trial of all actions thereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form before the issuing out of the original patent.

Sec.34. On the surrender of a patent, several patents may be issued for distinct and separate parts of the invention, upon the payment of thirty dollars for every additional patent issued.

DISCLAIMERS.

Sec. 35. The 7th section of the law of 3d March, 1837, provides as follows: "Section 7. And be it further enacted, That whenever any patentee shall have, through inadvertence, accident, or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors, and assigns, whether of the whole or of a sectional interest therein, may make a disclaimer of such parts of the thing patented as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office, on payment by the person disclaiming, in the manner as other patent duties are required by law to be paid, of the sum of ten dollars. And such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby, by the disclaimant, and by those claiming by or under him, subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as it may relate to the question of unreasonable neglect or delay in filing the same.

Sec. 36. In cases of patents granted before the 15th of December, 1836, no disclaimer will be admitted for record until a model and drawings of the invention, as originally patented,

verified by oath, shall have been deposited, unless dispensed with by the Commissioner.

INTERFERING APPLICATIONS.

Sec.37. "Whenever an application shall be made for a patent, which, in the opinion of the Commissioner, would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the Commissioner to give notice thereof to such applicants, or patentees, as the case may be; and if either shall be dissatisfied with the decision of the Commissioner on the question of priority of right or invention, on a hearing thereof he may appeal from such decision, on the like terms and conditions as are provided in the case of applications for inventions not new; and the like proceedings shall be had, to determine which, or whether either, of the applicants is entitled to receive a patent as prayed for."— Act of 1836, sec. 8.

CAVEATS.

Sec.38. The law enacts, "That any citizen of the United States, or alien who shall have been a resident of the United States one year next preceding, and shall have made oath of his intention to become a citizen thereof, who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the Treasury, in manner as provided in the ninth section of this act, the sum of twenty dollars, file in the Patent Office a caveat, setting forth the design and purpose

thereof, and its principal and distinguishing characteristics, and praying protection of his right, till he shall have matured his invention; which sum of twenty dollars, in case the person filing such caveat shall afterwards take out a patent for the invention therein mentioned, shall be considered a part of the sum herein required for the same. And such caveat shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person, within one year from the time of filing such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the Commissioner to deposite the description, specifications, drawings, and model, in the confidential archives of the office, and to give notice (by mail) to the person filing the caveat of such application, who shall within three months after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings and model; and if, in the opinion of the Commissioner, the specifications of claim interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications."—Act of 1836, sec. 12.

EXTENSION OF A PATENT BEYOND THE FOURTEEN YEARS.

Sec. 39. Section eighteen enacts, "That whenever any patentee of an invention or discovery shall desire an extension of his patent beyond the term of its limitation, he may make application therefor, in writing, to the Commissioner of the Patent Office, setting

forth the grounds therefor; and the Commissioner shall, on the applicant's paying the sum of forty dollars to the credit of the Treasury, as in the case of an original application for a patent, cause to be published in one or more of the principal newspapers in the city of Washington, and in such other paper or papers as he may deem proper, published in the section of country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the solicitor of the Treasury, shall constitute a board to hear and decide upon the evidence produced before them, both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish to said board a statement, in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures, sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of said invention. And if, upon a hearing of the matter, it shall appear to the full and entire satisfaction of said board, having due regard to the public interest therein, that it is just and proper that the term of a patent should be extended, by reason of the patentee, without neglect or fault on his part, having failed to obtain, from the use and sale of his invention, a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be

the duty of the Commissioner to renew and extend the patent, by making a certificate thereon of such extension, for the term of seven years from and after the expiration of the first term; which certificate of said board of their judgment and opinion as aforesaid, shall be entered on record in the Patent Office; and thereupon, the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years; and the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented to the extent of their respective interests therein: Provided, however, That no extension of a patent shall be granted, after the expiration of the term for which it was originally issued.

FEES PAYABLE AT THE PATENT OFFICE.

Sec.40. All fees must be paid in advance—the amount fixed by law; except in the case of drawings, the expense of which will be communicated on application for the same.

Sec.41. Every applicant must pay into the Treasury of the United States, or into the Patent Office, or into any of deposite banks, a deposite to the credit of the Treasurer, on presenting his petition or application, as follows:

Sec.42. If a citizen of the United States, as a patent fee - - - - - \$30 00

Sec.43. If a foreigner, who has resided in the United States one year next preceding the application for a patent, and shall have made oath of his intention to become a citizen - - - - - 30 00

Sec.44. If a subject of the Sovereign of Great Britain - - - - - 500 00

Sec.45. All other foreigners - - - 300 00

Sec.46. On entering a caveat - - - 20 00

Sec.47. On entering an application for an appeal from the decision of the Commissioner - - - - - - - - - - - 25 00

Sec.48. On extending a patent beyond the fourteen years - - - - - - - - - 40 00

Sec.49. For adding to a patent the specification of a subsequent improvement - - - - - - - - - - - 15 00
In case of re-issues for every additional patent - - - - - - - - - - - 30 00

Sec.50. On surrender of an old patent, to be re-issued, to correct a mistake of the patentee - - - - - - - - - - - 15 00

Sec.51. For a disclaimer - - - - - 10 00

Sec.52. For copies of patents, or any other paper on file, for each 100 words - - 10

Sec.53. For copies of drawings, a reasonable sum, in proportion to the time occupied in making the same.

Sec.54. Communications to and from the Patent Office are free of postage.

Sec.55. All fees under five dollars, if sent to the Commissioner of Patents, should be transmitted in specie.

Sec.56. It is recommended to make a deposit in a specie-paying deposite bank, of the fee for a patent or other application, and to remit the certificate. Where this cannot be done without much inconvenience, gold may be remitted by mail free of postage, at the risk of the correspondent.

Sec.57. In case of deposite made in the deposite banks, a duplicate receipt should be taken, stating by whom the payment is made, and for what object. The particular invention should be referred to, to enable the applicant to recover back the twenty dollars in

case of the withdrawal of the petition. The certificate of deposite may be made in the following form:

Sec. 58. Bank of
The Treasurer of the United States has credit
at this office for dollars in specie, de-
posited by of the town of , in
the county of , and State of ,
the same being for a patent (or whatever the
object may be) for a steam-boiler.

List of Banks which are authorized to re-
ceive Patent fees on account of the Treasury
of the United States, and to give receipts or
certificates of depositories therefor, viz:

Commercial Bank Portsmouth, N. H.; Bank of
Montpelier, Vt.; Merchants' Bank, Boston,
Massachusetts; City Bank, New Haven, Conn.;
Arcade Bank, Providence, Rhode Island; For-
mers' and Mechanic's Bank, Hartford, Ct.;
Mechanic's and Farmer's Bank, Albany; Albany
City Bank, Albany; Bank of Commerce, New
York,; N. Y. Bank of America, N. Y.; American
Exchange Bank, N. Y.; Merchants' Bank, N. Y.;
Commercial Bank, Albany, N. Y.; Philadelphia
Bank, Philadelphia, Penn.; Exchange Bank,
Pittsburgh, Penn.; Bank of Pittsburgh, Pitts-
burgh, Penn.; Bank of Baltimore, Baltimore,
Md.; Bank of Washington, Washington, D. C.;
Bank of the Metropolis, Washington, D. C.;
Bank of Virginia, Richmond, Virginia; Ex-
change Bank of Virginia, Norfolk, Va.; South-
western Railroad Bank, Charleston, S. C.;
Branch Bank of Cape Fear, Raleigh, N. C.;
Planters' Bank of Georgia, Savannah, Georgia;
Bank of Mobile, Mobile, Alabama; Branch Bank
of Alabama, Huntsville, Ala.; Bank of Louis-
iana, New Orleans, Louisiana; Union Bank of

Tennessee, Nashville, Tenn.; Louisville Savings Institution, Louisville, Kentucky; The Ohio Life Insurance and Trust Company's Bank, Cincinnati, Ohio; Clinton Bank, Columbus, Ohio; Bank of Sandusky, Sandusky, Ohio; Bank of Missouri, St. Louis, Missouri; Michigan Insurance Company, Detroit, Mich.; Union Bank of Louisiana, New Orleans, La.

Any person wishing to pay a patent or other fee, may deposite it with either of the banks above-named, and forward the receipt or certificate to this office, as evidence thereof.

Money sent by mail must be at the risk of the person sending the same.

Sec.59. N. B.— The Patent Office does not make original drawings to accompany applications for patents, and furnishes copies of the same only after the patent is completed. Draughtsmen in the city of Washington are always ready to make drawings at the expense of the patentees.

ON RECOVERING BACK MONEY PAID FOR A PATENT NOT TAKEN OUT.

Sec.60. When an applicant, who is a citizen or a resident alien, relinquishes or abandons the application for a patent, he must petition the Commissioner of Patents, stating the abandonment or withdrawal of his application; in which case twenty dollars will be repaid. If this withdrawal be of a foreign patent, two-thirds of the fee is to be returned.

Sec.61. In case of withdrawing a petition, the model deposited is by law retained.

Sec.62. Whenever a patent is refused by the Commissioner, on the ground that the alleged invention is not new, or interferes with an existing patent, or is not sufficiently use-

ful and important, or in case of two or more interfering applications, the party or parties against whom the Commissioner has decided, can have remedy by an "appeal to the Chief Justice of the District Court of the United States for the District of Columbia, "by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said Chief Justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said Judge shall prescribe. The Commissioner shall also lay before the said Judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the Judge, the Commissioner, and the Examiners in the Patent Office, may be examined, under oath, in explanation of the principles of the machine or other thing, for which a patent, in such case, is prayed for. And it shall be the duty of said Judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his pro-

ceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified, shall govern the further proceedings of the Commissioner in such case: Provided, however, That no opinion or decision of the Judge in any such case, shall preclude any person interested in favor or against the validity of any patent which has been or may hereafter be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

REMEDY IN EQUITY FOR PATENTEES.

Sec.63. In cases where patents are refused for any reasons whatever, or when there shall be two interfering patents, remedy can be had from the decisions of the Commissioner of Patents, or from the Chief Justice of the United States Court for the District of Columbia, by bill in equity; and the court having cognizance thereof, on notice to adverse parties (and when there shall be no adverse party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceedings shall be paid by the applicant, whether the final decision shall be in his favor or otherwise) and other due proceedings had, may adjudge and declare either the patents void in the whole or in part, or inoperative and invalid in any particular part or portion of the U. States, according to the interest which the parties to such suit may possess in the patent or the inventions patented, and may also adjudge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as

specified in his claim, or for any part thereof, as the fact of priority of right or invention shall, in any such case, be made to appear. And such adjudication, if it be in favor of the right of such applicant, shall authorize the Commissioner to issue such patent, on his filing a copy of the adjudication, and otherwise complying with the requisitions of this act: Provided, however, That no such judgment or adjudication shall affect the rights of any person, except the parties to the action, and those deriving title from or under them, subsequent to the rendition of such judgment.

ON FILING THE SPECIFICATION AND DRAWING AS A CAVEAT.

Sec.64. "Whenever the applicant shall request it, the patent shall take date from the time of filing the specification and drawings, not however, exceeding six months prior to the actual issuing of the patent; and, on like request, and the payment of the duty herein required, by any applicant, his specification and drawings shall be filed in the secret archives of the office, until he shall furnish the model, and the patent be issued, not exceeding the term of one year; the applicant being entitled to notice of interfering applications."—Act of 1836, sec.8.

Sec.65. A full description of the invention is required, to enable the Commissioner of Patents to judge of interferences.

Sec.66. All applications will be examined, and patents issued, in the order of time in which the proper documents are completed.

EXHIBITION OF MODELS AND MANUFACTURES.

Sec.67. Models of unpatented machines, specimens of compositions and of fabrics, and other manufactures, or works of art, will be received and arranged in the national repository of the Patent Office, as soon as the new building is finished.

Sec.68. The personal attendance of an applicant at the Patent Office, to obtain a patent is unnecessary. The business can be done by correspondence, (free of postage,) or by attorney.

OATHS OR AFFIRMATIONS.

Sec.69. Any magistrate, having general authority to administer oaths, is qualified to take depositions in matters relating to patents.

Forms which may be used in making applications at the Patent Office.

FORM OF PETITION.

Sec.70. To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and
State of Massachusetts.

Respectfully represents:

That your petitioner has invented a new (and improved mode of preventing steam-boilers from bursting,) which he very believes has not been known or used prior to the invention thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and

his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided; he having paid thirty dollars into the Treasury, and complied with other provisions of the said act.

Sebastian Cabot.

FORM OF SPECIFICATION.

Sec. 71. To all whom it may concern:

Be it known that I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, have invented a new and improved mode of preventing steam-boilers from bursting, and I do hereby declare that the following is a full and exact description:

The nature of my invention consists in providing the upper part of a steam-boiler with an aperture in addition to that for the safety-valve; which aperture is to be closed by a plug, or disk of alloy, which will fuse at any given degree of heat, and permit the steam to escape, should the safety-valve fail to perform its functions.

To enable others skilled in the art to make and use my invention, I will proceed to describe its construction and operation: I construct my steam-boiler in any of the known forms, and apply thereto guage-cocks, a safety-valve, and the other appendages of such boilers; but, in order to obviate the danger arising from the adhesion of the safety-valve, and from other causes, I make a second opening in the top of the boiler, similar to that made for the safety-valve, as shown at A, in the accompanying drawing; and in this opening I insert a plug or disk of fusible alloy, secur-

ing it in its place by a metal ring and screws, or otherwise. This fusible metal I, in general, compose of a mixture of lead, tin, and bismuth, in such proportions as will insure its melting at a given temperature, which must be that to which it is intended to limit the steam, and will, of course, vary with the pressure the boiler is intended to sustain. I surround the opening containing the fusible alloy by a tube B, intended to conduct off any steam which may be discharged therefrom. When the temperature of the steam, in such a boiler, rises to its assigned limit, the fusible alloy will melt and allow the steam to escape freely, thereby securing it from all danger of explosion.

What I claim as my invention, and desire to secure by letters patent, is the application to steam-boilers of a fusible alloy, which will melt at a given temperature, and allow the steam to escape, as herein described; using for that purpose any metallic compound which will produce the intended effect.

Sebastian Cabot.

(John Doe,

Witness:(

(Richard Roe.

Sec.72. When the application is for a machine, the specification should commence thus:

Be it known that I, of , in the county of , and State of , have invented a new and useful machine for-(stating the use and title of the machine; and if the application is for an improvement, it should read thus: a new and useful improvement on a, or on the, machine,&c.)- and I do hereby declare that the following is a full, clear, and exact description of the construction and operation of the same, reference being had to

the annexed drawings, making a part of this specification, in which figure 1 is a perspective view, figure 2 a longitudinal elevation, figure 3 a transverse section, &c. (thus describing all the sections of the drawings, and then referring to the parts by letters.). Then follows the description of the construction and operation of the machine, and ending with the claim, which should express the nature and character of the invention, and identify the part or parts claimed separately or in combination. If the specification is for an improvement, the original invention should be disclaimed, and then the claim confined to the improvement.

FORM OF OATH.

Sec.73. County of Hampden, State of Massachusetts, ss:

On this day of , 183 , before the subscriber, a , personally appeared the within named Sebastian Cabot, and made solemn oath (or affirmation) that he verily believes himself to be the original and first inventor of the mode herein described for preventing steam boilers from bursting, and that he does not know or believe the same was ever before known or used; and that he is a citizen of the United States.

Signed,

A. D.

FORM OF WITHDRAWAL.

Sec.74. To the Commissioner of Patents:

Sir: I hereby withdraw my application for a patent for improvements in the steam-boiler, now in your office, and request that twenty dollars may be returned to me agreeably to the

provision of the act of Congress authorizing such withdrawal.

Sebastian Cabot.

Cabotville, Mass. March 1, 1838.

N. B.-If you withdraw your application, please enclose a receipt in the following form:

Received of the Treasurer of the United States, per Hon. Edmund Burke, Commissioner of Patents, twenty dollars, being the amount refunded on withdrawing my application for a patent for

FORM OF SURRENDER OF A PATENT FOR RE-ISSUE.

Sec. 75. To the Commissioner of Patents: The petition of Sebastian Cabot, of Cabotville, in the county of Hampden,

and State of Massachusetts,

Respectfully represents:

That he did obtain letters patent of the United States for an improvement in the boilers of steam-engines, which letters patent are dated on the first day of March, 1835. That he now believes that the same is inoperative and invalid, by reason of a defective specification, which defect has arisen from inadvertence and mistake. He therefore prays that he may be allowed to surrender, and he hereby does surrender the same, and request that new letters patent may issue to him for the same invention, for the residue of the period for which the original patent was granted, under the amended specification herewith presented; he having paid fifteen dollars into the Treasury of the United States, agreeably to the requirements of the act of Congress in that case made and provided.

Sebastian Cabot.

FORM OF ASSIGNMENT OF A RIGHT IN A PATENT.

Sec. 76. Whereas, I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, did obtain letters patent of the United States for certain improvements in steam engines, which letters patent bear date the first day of March, 1835; and whereas, John Doe, of Cabotville aforesaid, is desirous of acquiring an interest therein: Now this indenture witnesseth, that, for and in consideration of the sum of two thousand dollars, to me in hand paid, the receipt of which is hereby acknowledged, I have assigned, sold, and set over, and do hereby assign, sell, and set over, all the right, title, and interest, which I have in the said invention, as secured to me by said letters patent, for, to, and in the several States of New York, New Jersey, and Pennsylvania, and in no other place or places. The same to be held and enjoyed by the said John Doe for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are or may be granted, as fully and entirely as the same would have been held and enjoyed by me, had this assignment and sale not have been made.

In testimony whereof, I have hereunto set my hand, and affixed my seal, this first day of March, 1838.

(A. B.
Witness: (

Sebastian Cabot, (L.S.)

(C. D.)

FORM OF DISCLAIMER.

Sec. 77. To the Commissioner of Patents: The petition of Sebastian Cabot, of Cabotville, in the county of Hampden,

and State of Massachusetts,
Respectfully represents:

That he has, by assignment, duly recorded in the Patent Office, become the owner of a right for the several States of Massachusetts, Connecticut, and Rhode Island, to certain improvements in the steam engine, for which letters patent of the United States were granted to John Doe, of Boston, in the State of Massachusetts, dated on the first day of March, 1835. That he has reason to believe that, through inadvertence and mistake, the claim made in the specification of said letters patent is too broad, including that of which the said patentee was not the first inventor. Your petitioner, therefore, hereby enters his disclaimer to that part of the claim in the aforesigned specification, which is in the following words, to wit: "I also claim the particular manner in which the piston of the above described engine is constructed, so as to insure the close fitting of the packet thereof to the cylinder, as set forth; which disclaimer is to operate to the extent of the interest in said letters patent vested in your petitioner, who has paid ten dollars into the Treasury of the United States, agreeably to the requirements of the act of Congress in that case made and provided.

Sebastian Cabot.

When the disclaimer is made by the original patentee, it must, of course, be so worded as to express that fact.

FORM OF CAVEAT.

Sec. 78. To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville,
in the county of Hampden,

and State of Massachusetts,

Respectfully represents:

That he has made certain improvements in the mode of constructing the boilers of steam engines; and that he is now engaged in making experiments for the purpose of perfecting the same, preparatory to his applying for letters patent therefor. He therefore prays that the subjoined description of his invention may be filed as a caveat, in the confidential archives of the Patent Office, agreeably to the provisions of the act of Congress in that case made and provided; he having paid twenty dollars into the Treasury of the United States, and otherwise complied with the requirements of the said act. ~~Sebastian Cabot.~~ Sebastian Cabot.

Cabotville, March 1, 1838.

Sec.79. Here should follow a description of the general principles of the invention, so far as it has been completed.

FORM FOR ADDITION OF NEW IMPROVEMENTS.

Sec.80. To the Commissioner of Patents:
The petition of Sebastian Cabot, of Cabotville, in the county of Hampden,

and State of Massachusetts,

Respectfully represents:

That your petitioner did obtain letters patent of the United States for an improvement in the boilers of steam engines, which letters patent are dated on the first day of March, 1835; that he has since that date, made certain improvements on his said invention; and that he is desirous of adding the subjoined description of his said improvements to his

original letters patent agreeably to the provisions of the act of Congress in that case made and provided; he having paid fifteen dollars into the Treasury of the United States, and otherwise complied with the requirements of the said act. Sebastian Cabot.

Sec. 81. FORM OF ASSIGNMENT BEFORE OBTAINING LETTERS PATENT AND TO BE RECORDED PREPARATORY THERETO.

Whereas, I, Sebastian Cabot, of Cabotville, in the county of Hampden, State of Massachusetts, have invented certain new and useful improvements in the boilers of steam engines, for which I am about to make application for letters patent of the United States; and whereas John Doe, of Cabotville, aforesaid, has agreed to purchase from me all the right, title, and interest which I have, or may have, in and to the said invention, in consequence of the grant of letters patent therefor, and has paid to me, the said Cabot, the sum of five thousand dollars, the receipt of which is hereby acknowledged. Now, this indenture witnesseth, that for and in consideration of the said sum to me paid, I have assigned and transferred, and do hereby assign and transfer, to the said John Doe, the full and exclusive right to all the improvements made by me, as fully set forth and described in the specification which I have prepared and executed, preparatory to the obtaining of letters patent therefor. And I do hereby authorize and request the Commissioner of Patents to issue the said letters patent to the said John Doe, as the assignee of my whole right and title thereto, for the sole use and behoof of the said John Doe and his legal representatives.

In testimony whereof, I have hereunto set my hand and affixed my seal, this first day of March, 1838.

Sebastian Cabot. (Seal.)

(A. B.

Witness: (

(C. D.

Sec.82. FORM OF OATH ON RESTORING DRAWINGS, OR SKETCHES FROM WHICH DRAWINGS MAY BE MADE, TO REPLACE THE ORIGINALS DESTROYED IN THE OFFICE.

County of Hampden, State of Massachusetts, ss:

On this first day of March, 1838, before the subscriber, a personally appeared Sebastian Cabot, of Cabotville, in the State of Massachusetts, and made solemn oath that he is the inventor (or is interested in the invention as administrator, &c.) of an improved mode of preventing the explosion of steam-boilers, for which letters patent of the United States were granted to him, dated the first day of January, 1835, and that the annexed drawing (or sketch) is, as he verily believes, a true delineation of the invention described in the said letters patent.

Sec.83. If the following questions can be answered affirmatively, before transmitting the papers, few applications will be returned for correction of omissions:

1. Is the fee transmitted?
2. Is the petition signed and addressed to the Commissioner of Patents?
3. Is the specification signed, and witnessed by two witnesses?
4. Are the drawings described, and referred to in the specification? If not, are they signed before two subscribing witnesses, and are they accompanied with written references?
5. Are duplicate drawings sent?

6. Has the inventor made oath to his being a citizen, and that his invention is new, &c.?
7. Does the specification contain a specific claim?
8. If an alien and resident, is this affirmed and sworn to?
9. Has the model been sent, and how?
10. Is the name of the inventor durably affixed to the same?
11. In case of re-issue, is the old patent surrendered?
12. Has the oath of invention been renewed, before appealing from the decision of the Commissioner?
13. Have the fees been remitted in coin, or by certificate of deposite?
14. In case of re-issue, disclaimer, addition of an improvement, or patent for an improvement on an existing patent to inventor, assignee, or possessor of the original patent, have model and drawings of the original patent (if granted before the 15th of December, 1836,) been transmitted?

INFORMATION.

UNDER THE ACT OF AUGUST 29, 1842.

Art.1. This act authorizes the Treasurer of the United States to repay any money which has been paid into the Treasury by actual mistake, as for patent fees, thus precluding the necessity of special application to Congress for relief.

Art.2. The privilege of renewal of lost patents is now extended to those granted before the fire of December, 1836. Heretofore it has been limited to those actually lost before the

fire, thus excluding many lost subsequently, and before they were recorded anew in this office, leaving the inventor without remedy.

Art.3. Protection is by this act extended to a new class of objects, viz:

To new and original Designs:

-for a manufacture of metal and other materials;

-for the printing of woolen, silk, cotton, or other fabrics;

-for busts, statutes, or bas relief, or composition in alto or basso relieveo;

-for any impression or ornament, or to be placed on any article of manufacture in marble or other material;

-for any new and useful pattern, print, or picture, to be in any manner attached to, or fixed on, any article of manufacture;

-for any new or original shape or configuration of any article of manufacture; all such designs not being previously known or used by others.

Art.4. American ministers, consuls, &c., residing abroad, may administer the oath required for applicants not resident in the United States. Heretofore such functionaries were not authorized to perform this act, thus subjecting applicants, in foreign countries, to much inconvenience.

Art.5. The stamping or affixing the name of any patentee on any article without authority so to do, or the affixing the word patent, or letters patent, or the stamp, mark, or device of any patentee on any unpatented article, for the purpose of deceiving the public, is forbidden under a penalty of not less than one hundred dollars.

Art.6. Patentees, or their assigns, are now required to affix the date of the patent on

each article vended or offered for sale, under a like penalty—thus affording to the public notice of the duration of the patent. When the article is of such a nature that the date cannot be printed thereon, it should be affixed to the case or package containing it.

It will be observed that this act does not repeal or change the law under which patents have heretofore been granted, but is merely additional thereto—all patents, except for designs, being granted for fourteen years, and the fee, as hitherto, being thirty dollars.

Before the grant of any patent under this act, the application must be made by petition to the Commissioner of Patents, signed by the inventor.

He is also required to furnish a written description or specification of his invention or production, in which the same shall be fully and clearly described; such specification to be signed, witnessed by two witnesses, and verified by his oath or affirmation.

In all cases which admit of representation by drawings, the application must be accompanied by duplicate drawings and a specimen; and in other cases by duplicate specimens.

The provisions of the 6th section do not apply to Patents granted prior to the passage of this act.

Forms of application for Patents on Designs,
under the act of August 29, 1842.

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden,

and State of Massachusetts,

Respectfully represented:

That your petitioner has invented or produced a new design or figure (to be stamped or printed on fabrics, which, when thus printed, are termed calicoes,) which he verily believes has not been known prior to the production thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided; he having paid fifteen dollars into the Treasury, and complied with other provisions of the said act.

Sebastian Cabot.

SPECIFICATION.

To all whom it may concern:

Be it known that I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, have invented or produced a new design or figure (to be printed on fabrics, which, when thus printed, are termed calicoes,) and I do hereby declare that the following is a full and exact description of the same.—(Here follows a description of the design or figure with reference to the specimen, or to a drawing of it, in all cases which admit of representation by drawings.)

The specification to conclude with declaring what the inventor or producer claims to be expressed in terms which will give the character of the design, &c.

FORM OF OATH.

County of Hampden, State of Massachusetts, ss:

On this day of 184, before the subscriber, a personally appeared the within named Sebastian Cabot, and made solemn oath (or affirmation as the case may be) that he verily believes himself to be the original and first inventor or producer of the design for figures to be printed on fabrics which, when thus printed, are termed calicoes; and that he does not know or believe that the same was ever before known or used, and that he is a citizen of the United States. Signed, A. B.

The phraseology of the title of this act having misled many persons, it is proper to add that it is an act in addition to the act of July 4, 1836, by which act all acts and parts of acts before made were then repealed. The title of the act of August 29, 1842, therefore, merely recites the title of the act of 1836.

Edmund Burke,

Commissioner of Patents.
Patent Office, May 7, 1845.

All communications should be addressed to the Commissioner of Patents.

In consequence of the numerous applications to this office for information, founded on brief descriptions of inventions, and asking, in any given case, whether there exists anything like the invention described, and whether a patent can be had therefor, it has become necessary to furnish the explanation following as a general reply to such inquiries.

By the act of July 4, 1836, entitled "An act to promote the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," a principle entirely new was engrafted upon the system, under which patents had been previously granted.

Under the provisions of this act, it was made the duty of the Commissioner of Patents, on the receipt of any application for a patent, to institute "an examination of the alleged new invention or discovery," with a view to determine whether the same had been before "invented or discovered by any other person in this country," "or patented, or described in any printed publication, in this or any foreign country." Thus was the grant of patents in future restricted to such "inventions or discoveries" as were new in the most absolute sense of the term; and a very laborious and responsible duty imposed upon this office. In aid of the solution of the question of novelty, thus raised on every application, the applicant was required to furnish a full and clear description of his invention, signed, witnessed, and verified by his oath, accompanied by a model and drawings of the same; all being deemed necessary in order to illustrate his claim to a patent. Furnished with these illustrations, the office was then required to go into a rigorous and extended examination, taking in the whole range of history on the given subject, whether its evidences were to be found in patents granted, caveats filed, or descriptions published, in this or in any foreign country, in any period of time.

In the conduct of these examinations, it is necessary to keep in constant and laborious employment a number of persons specially selected for their knowledge and skill in the arts; to refer with guarded care to caveats filed in the secret archives of the office, and which can only come into view on such occasions; to patents already granted, and to such works on the arts as have been published here or elsewhere; and also to keep pace with

the current of invention throughout the world, by a constant and copious supply of such publications in this country and in Europe as are devoted to this object.

It will readily be seen that this office cannot undertake to respond to the numerous inquiries constantly addressed to it, whether such or such an invention can be new, and whether a patent can be obtained for it. Because, 1st, Every such inquiry involves the whole question of novelty; and before the office could express, or even form, an opinion, would require the same range of rigorous examination as is now required by law on a regular application for a patent, and this, too, without the necessary illustrations; such inquiries being based on mere and usually very imperfect general descriptions; while, in the case of application for patents, the law requires that the office shall have the aid, not only of clear and full description, under oath, but also accurate drawings and models, before it shall decide the question whether, in any given case, the invention be new, &c.

2d. The attempt to do so would effectually interrupt the appropriate business of the office, and be a direct infringement on the rights of those who apply for patents; as the regular examinations of their applications must necessarily be suspended while the examinations required, in order to frame such answers, were being made.

3d. Every such inquiry does, in effect, require this office to prejudge a case before such case is presented; or, in other words, the inquirer asks of the office to decide upon his invention before he has done that which the law requires he shall do, in order to obtain such decision.

4th. The law has made no provision for such services. It is, therefore, no part of the legitimate duty of this office.

It is hoped that this explanation will prove satisfactory to all, and that it will be distinctly understood, that, in declining to respond to the class of inquiries above stated, this office acts under the mere necessity of the case, and not from any disposition to withhold information.

The records and models of the office are always open to inspection, and copies can readily be furnished on receipt of the fee required by law.

MODELS.

Sec. 84. If deposited with any of the following agents, will be forwarded to the Patent Office, free of expense.

The collector of the Port of Portsmouth, New Hampshire.

The collector of the Port of Portland, Maine.
" " Burlington, Vermont.

The collector of the Port of Providence, Rhode Island.

R. H. Eddy, agent at Boston, Massachusetts.

The surveyor at Hartford, Connecticut.

Edgar Irving, agent, custom-house, New York.

The collector of the Port of Philadelphia, Pennsylvania.

The collector of the Port of Baltimore, Maryland.

The collector of the Port of Richmond, Virginia.

The collector of the Port of Charleston, South Carolina.

The collector of the Port of Savannah, Georgia.
 " " New Orleans,

Louisiana.

The collector of the Port of Detroit, Michigan.
 " " Buffalo, New York.

The surveyor at St. Louis, Missouri.

The collector of the Port of Cleveland, Ohio.

The surveyor at Pittsburg, Pennsylvania.

" " Cincinnati, Ohio.

" " Louisville, Kentucky.

Sec.85. The transmission of models by the agents extends to those for new applications, as well as those restored in consequence of the destruction of the originals.

Sec.86. N. B. Patentees, and the public in general, are urged to use their influence to aid the office in restoring the records of all patents and assignments on record before the fire in December, 1836. The same cannot be used in evidence unless so recorded anew. No expense is incurred. The papers are received and transmitted by mail.

Edmund Burke,
 Commissioner of Patents.

REQUEST.

Congress having authorized the distribution of seeds through this office a transmission to this place of any rare and useful seeds may confer a great benefit on the community, and will, so far as practicable, be reciprocated by the Commissioner of Patents. A history of the seed transmitted, together with the place or production, is respectfully solicited.

INSTRUCTIONS TO APPLICANTS FOR PATENTS AND OTHERS.

Applicants are examined in the order of their reception; but every application before the examiners, will bring up for action any other cases belonging to the same class, which may at that time be before the office.

Rejected applications may be reconsidered at the request of the applicant, and explanations whether verbal or in writing, may be at any convenient time received by the examiners; but final action upon such cases cannot be had until they come up in their turn as cases presented anew.

In case specifications and drawings should be found defective, they are returned to the applicants with instructions to amend. When returned to the office they are again examined the examination in such cases taking precedence of all new cases on hand at the time of their reception. But if on such examination it should be found that the instructions to amend have been disregarded, or not properly attended to, the papers are again returned to the applicant, and upon their second return to the office, the examination of such papers is delayed until all the business on hand at the time of their reception is disposed of.

When papers are thus returned to applicants for amendment, should they find it necessary or deem it important to prepare a new document, in order to make suitable amendments, the original papers must be returned to the office, together with the amended or new papers, otherwise examination upon such cases will be delayed until the original papers are received by the office.

After an application has been examined, no

alteration made in the character of the invention can be considered under the same fee; but such alterations will require a separate fee, papers, &c., before examination can be had.

In general, if any addition is to be made to an invention duly before the office, or any change in its character, the applicant must withdraw and file his application anew.

When an application has been finally decided, the office will retain the original papers, allowing the applicant to obtain copies thereof.

EDMUND BURKE,

Commissioner of Patents.

Patent Office, July 30, 1845.

EXTENSION OF PATENTS.

(Circular.)

Patent Office, June 21, 1845.

The undersigned, constituted by law a board to decide upon applications for the extension of patents, have adopted the following suggestions and rules, for the benefit of those persons who may hereafter apply for extensions.

The questions which arise on each application for an extension are-

1. Is the invention novel?
2. Is it useful?
3. Is it valuable and important to the public?
4. Has the inventor been adequately remunerated for his time and expense in originating and perfecting it?
5. Has he used due diligence in introducing his invention into general use?

The two first questions will be determined upon the result of an examination in the Patent Office; as will also the third, to some extent.

To enable the board to come to a correct conclusion in regard to the third point of inquiry, the applicant should, if possible, procure the testimony of persons disinterested in the invention, which testimony should be taken under oath.

In regard to the fourth and fifth points of inquiry, in addition to his own oath showing his receipts and expenditures on account of the invention, by which its value is to be ascertained, the applicant should show by the testimony of disinterested witnesses on oath, that he has taken all reasonable measures to introduce his invention into general use, and that, without default or neglect on his part, he has failed to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed on the same, and the introduction thereof into use.

The report of the examiner upon the novelty and utility of the invention, will be ready fifteen days before the day appointed for the hearing, which will be open for inspection at the Patent Office; copies of which will be furnished to all parties interested, if desired, on payment of the usual fees for copies.

In case of opposition by any person to the extension of a patent, both parties may take testimony, each giving reasonable notice to the other of the time and place of taking said testimony, which shall be taken according to the rules prescribed by the Commissioner of Patents in cases of interference.

All arguments submitted to the board must be

in writing.

In conclusion, the undersigned would remark, generally, that a monopoly of his invention is secured by law to the inventor for the term of fourteen years. This is done with a view to compensate him for his time and expense in originating and perfecting it. At the end of the time for which his patent runs, his monopoly should cease and the invention become public property, unless he can show good reasons to the contrary. The presumption is always against his application; and if he cannot show that his invention is novel, useful, valuable, and important to the public, and that, having made all reasonable effort to introduce it into general use, he has not been adequately remunerated for his time and expenses in discovering and perfecting it, the board cannot grant an extension.

James Buchanan,

Secretary of State.

Edmund Burke,

Commissioner of Patents.

S. Barton.

Solicitor of the Treasury.

REGULATIONS RELATING TO POSTAGE.

Patent Office, June 11, 1845.

In consequence of the heavy correspondence of the Patent Office (which is supported exclusively from its own revenues,) all of which will be subject to postage on the 1st day of July next, the undersigned feels obliged to give notice that, after the 30th day of June, instant, all letters and packages addressed to

the Commissioner of Patents, not expressly relating to the business with which this office is, by law, charged, must be post paid, or they will receive no attention, and will be returned to the post office.

Models, which have heretofore occasionally been sent by the mail, must hereafter be sent by private conveyance, and at the expense of the applicant, except when delivered to the agents of this office authorized to receive and transmit them.

Letters containing assignments of patents to be recorded in this office, (as the recording is done at the expense of the office without charge to the persons interested,) must be post paid.

All letters requesting copies of papers and records, seeds, reports, and other matters merely personal to the writers, and not relating to the legitimate business of the office, must be post paid.

Fees for copies must be transmitted free of postage.

Postage on letters addressed to the Commissioner, on business connected with caveats, and the issue of letters patent, and all proceedings relating thereto, will be paid by the office.

As postage on letters and packages, after the 30th instant, is to be charged according to the weight, it is desired that applicants will omit the use of wooden rollers, tin cases, and other things used for the convenience of transmission, which, without being necessary greatly increase the weight of their communications, and consequently the postage charged upon them.

EDMUND BURKE,
Commissioner of Patents.

PATENT OFFICE.

Rules for taking and transmitting evidence, &c.,
to the Commissioner of Patents:

1st. That all statements, declarations, evidence, &c., shall be in writing, setting forth minutely and particularly the points at issue; and shall be verified by oath or affirmation.

2d. That all statements, declarations, proofs, and evidence, shall be verified by oath or affirmation.

3d. That before the deposition of a witness or witnesses be taken by either party, notice is to be given to the opposite party of the time and place when and where such deposition or depositions will be taken; so that the opposite party either in person or by attorney, shall have full opportunity to cross examine the witness or witnesses. And such notice shall, with proof of service of the same, be attached to the deposition or depositions, whether the party cross-examine or not; and such notice shall be given in sufficient time for the appearance of the opposite party, and for the transmission of the evidence to the Patent Office, before the date of hearing.

4th. That no evidence, statement, or declaration, touching the matter at issue, will be considered upon the said day of hearing, which shall not have been taken and filed in compliance with these rules: Provided, that if either party shall be unable, from good and sufficient reasons, to procure the testimony of a witness or witnesses, within the above stipulated time, then it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied with

statements of the cause of such inability, which last mentioned notice to the Commissioner shall be received by him. ~~14~~ days previous to the day of hearing aforesaid, viz. the day of next.

5th. That all evidence, &c., shall be sealed up and transmitted to the Commissioner of Patents by the persons before whom it shall be taken, and so certified thereon.

EDMUND BURKE,

Commissioner of Patents.

INSTRUCTIONS TO PATENTEES.

1. **Caveats.**—Caveat papers cannot, under any circumstances, be withdrawn from the office, nor undergo any alteration after they have been once filed.

2. Additional papers relating to the invention, may be admitted under the same file, the date of the reception of such papers being noted.

3. In case of filing papers additional to an original caveat, the right to notice of such papers expires with the caveat; and any additional papers, not relating to the invention as first caveated, are not entitled to notice.

4. Caveat papers once filed cannot be inspected by the caveator, nor any other persons than those duly authorized by law to examine such papers.

5. The caveator, or other person properly authorized by him, may at any time obtain copies of the caveat papers at the usual rates.

6. It is desirable that caveats should be explicit as to the character and features of the invention—embrace suitable drawings and sketches, and a model if convenient. The ca-

veat fails of its purpose when the invention is not explained.

7. Models are always retained by the office.

8. Applications are examined in the order of their reception, except in cases in which the claims so nearly resemble those undergoing examination, as to render an interference probable; in which case they will be taken up and examined with the cases then under examination.

9. Rejected applications may be reconsidered at the request of the applicant, and explanations, whether verbal or in writing, may be at any convenient time received by the examiners; but final action upon any such cases cannot be had until they come up in their turn as cases presented anew.

10. In case specifications and drawings should be found defective, they are returned to the applicant with instructions to amend. When returned to the office they are again examined, the examinations in such cases taking precedence of all new cases on hand at the time of their reception. But if on such examination it should be found that the instructions to amend have been disregarded, or not properly attended to, the papers are again returned to the applicant, and upon their second return to the office, the examination of such papers is delayed until all the business on hand at the time of their reception is disposed of.

11. When papers are thus returned to applicants for amendment, should they find it necessary, or deem it important, to prepare a new document, in order to make suitable amendments, the original papers must be returned to the office, together with the amended or new papers, otherwise examination upon such cases

will be delayed until the original papers are received by the office.

12. After an application has been examined, no alteration made in the character of the invention can be considered under the same fee; but such alterations will require a separate fee, papers, &c., before examination can be had.

13. In general, if any addition is to be made to an invention duly before the office, or any change in its character, the applicant must withdraw and file his application anew.

14. All explanations or suggestions by patent agents, in relation to cases pending before the office for examination, must be in writing, addressed to the Commissioner.

15. All patents will be delivered or sent by mail to the patentee, except when a written order has been deposited by him in the Patent Office, directing the delivery to some other person.

16. When an application has been finally decided, the office will retain the original papers, allowing the applicant to obtain copies thereof.

FOREIGN PATENTS AND RE-ISSUES.

Applications for inventions, which have been patented in a foreign country, will be taken up for examination immediately after all the necessary papers and drawings have been filed, the fee paid, and the model deposited in the office. As the letters patent issued in this country for inventions patented abroad bear date with the foreign letters patent, this rule has been adopted with the view of giving the longest term of time to the patent in this country. For a similar reason, applications

for the surrender and re-issue of letters patent will be examined immediately after they shall have been completed.

PATENT AGENTS OR ATTORNEYS.

In this city, and in some of the other cities of the Union, individuals have undertaken the business of preparing applications, drawings, &c., for procuring patents, under the professional title of "Patent Agents," or "Patent Attorneys;" from which circumstance many have supposed that such persons have some connection with the Patent Office, official or confidential.

It has also come to the knowledge of the undersigned, that some individuals, officiating in the character of Patent Agents, have pretended to possess an influence with the Patent Office not accorded to others, by which they are enabled to obtain Patents in cases in which they have been refused to others; and also, that persons acting in the character of Patent Agents have charged the result of their own inattention, perhaps incompetency, to the negligence of the Patent Office.

These circumstances render it necessary for the undersigned to advise all persons having business with the Patent Office, of the precise relations which Patent Agents hold with this Office.

The Patent Office recognizes no official or confidential relations with Patent Agents or attorneys whatever. It does not concede to them favors or privileges which are not granted to all other persons; and any pretensions to the contrary (if any such are made) are, of course, without foundation.

The only class of agents employed by the

undersigned are those persons who have been authorized, in several cities of the Union, to receive and forward models, &c., to the Patent Office, and their connection with the office begins and ends with that employment only.

This explanation is not made with any design to reflect upon such persons as have undertaken the business of Patent Agents in this city, or elsewhere, but only with the view of vindicating the Patent Office from any imputation which may grow out of the circumstances above alluded to, and of asserting the integrity and impartiality of its administration, which challenges and defies the most rigid scrutiny.

To relieve applicants from the necessity and expense of employing agents to transact their business with the Patent Office, so far as it is in the power of the Office to do so, the examiners are instructed to decide the questions of the novelty and patentability of inventions upon papers imperfectly prepared, if they are sufficiently perspicuous to enable them clearly to understand the invention claimed, when such papers are prepared by the inventor without the intervention of an agent. But if an agent be employed, it being presumed that he is qualified for the business which he undertakes, and needs not, nor is entitled to, instructions in relation to it, the Office (which has not the time, nor is bound by law in any case to give instructions) will, in all cases, leave it to him to prepare and present the claims of the applicant, and will decide upon them as they are presented.

Inventors, who are desirous of examining the models in the Patent Office before making application, should carefully avoid all persons hanging about the Office, and offering their

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services as agents, or to examine models; but they should in all cases apply to the Commissioner, or chief clerk, who will direct the machinist to aid them in making a thorough examination of the models belonging to the class of inventions which they desire to see. This caution is given to enable inventors from abroad to avoid the misinformation and impositions to which they are exposed from persons lying in wait for them about the Patent Office, and tendering their services as Patent Agents, or the procurers of Patent Agents. If the services of Patent Agents are desired, able and competent persons engaged in that business can be found at their offices in this city.

Edmund Burke, Comm'r of Patents.
